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C O N F I D E N T I A L SECTION 01 OF 03 SARAJEVO 000816

SIPDIS

DEPARTMENT FOR EUR(DICARLO), EUR/SCE
(HOH/FOOKS/STINCHCOMB); NSC FOR BRAUN; OSD FOR BEIN

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TAGS: [PGOV](#) [PINR](#) [PREL](#) [PHUM](#) [KDEM](#) [BK](#)

SUBJECT: BOSNIA - PARLIAMENT ADOPTS SREBRENICA ELECTION LAW
AMENDMENT

REF: A. SARAJEVO 793

[B](#). SARAJEVO 757

[C](#). SARAJEVO 735

[D](#). SARAJEVO 350

Classified By: Michael J. Murphy. Reason 1.4(b) and (d).

[1](#). (C) SUMMARY: On May 7, Bosnia's Parliamentary Assembly adopted an amendment to the BiH Election Law that will allow all 1991 residents of Srebrenica Municipality the option to vote there in the upcoming October 2008 municipal elections. The amendment was supported by every major political party except the Serb Democratic Party (SDS). Its passage represents the culmination of an intensive week-long U.S.-led diplomatic effort to build consensus around a solution to address legitimate concerns that the Serbs could win control of the Srebrenica municipal administration in October. The opposition Social Democratic Party (SDP) took advantage of the parliamentary debate to try and score some political points, but ultimately backed the amendment. The change to the BiH Election Law enjoyed widespread support among the international community, though Russia was critical of the proposal at a special May 6 meeting of Steering Board Ambassadors. The Ambassador has already met with the Central Election Commission (CEC) to discuss its plans to implement the new Srebrenica voting rights and to promise U.S. assistances with a registration/get-out-the-vote campaign. The amendment does not guarantee a specific election result in October, but it does provide Bosniaks with a level playing field and greater control over the outcome in Srebrenica. We will encourage them to take advantage of the opportunity they have been given. END SUMMARY

Srebrenica Amendment Passes

[2](#). (C) In a May 7 plenary session, Bosnia's House of Representatives (HoR) and BiH House of Peoples (HoP) passed in urgent procedure an amendment to the BiH Election Law that will allow all 1991 residents of Srebrenica Municipality the option to vote there in the upcoming October 2008 municipal elections. The amendment was the culmination of more than a week of intense bilateral efforts led by the U.S., including numerous phone calls and meetings with party leaders over the May Day holiday, to build political consensus for a solution to concerns that Serbs could take control of the Srebrenica municipal administration in the next election. The overwhelming majority of delegates present supported the amendment (28 to 2 in the HoR; 13-1 in the HoP). Only two RS-based parties, the Serb Democratic Party (SDS) and Democratic Peoples' Alliance (DNS), opposed the measure.

Most debate centered around whether the option to vote in the 1991 place of residence should be extended beyond Srebrenica to all Bosnian citizens and for all elections, not just the 2008 municipal elections. (Note: We floated both the countrywide and Srebrenica-only options with political leaders, but could only forge a consensus around an amendment targeting only 1991 Srebrenica residents for the 2008 municipal elections. End Note)

SDP Less Helpful Than Promised

13. (C) Despite earlier promises to play a constructive role during debate, SDP president Zlatko Lagumdžija could not resist the temptation to grandstand during parliamentary proceedings. Lagumdžija ridiculed the so-called "party consensus" for the amendment, asserting that it was the product of international community pressure, not a genuine effort by the governing coalition to find common ground on a sensitive issue. He also attacked the outcome as a product of Dodik's "lowest common denominator" political agenda, which he added, should not drive policy for the country as a whole. With this in mind, Lagumdžija and his SDP allies tabled two additional proposals. First, Lagumdžija called on parliament to hold a special session to debate permanently extending "the 1991 residency voting option" to all Bosnian citizens for all elections. Second, Lagumdžija asked the parliament to support a resolution calling on OHR and the Council of Ministers (COM) to grant Srebrenica "special status" in light of the February 2007 International Court of Justice (ICJ) verdict that genocide was committed in and

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around Srebrenica in July, 1995. Both proposals failed, and more importantly failed to provoke an angry Bosniak-Serb floor flight that might have poisoned the largely constructive atmosphere that prevailed throughout the session. After scoring their political points, Lagumdžija and his SDP MPs supported the Srebrenica-only amendment.

Russian Opposition

14. (C) The U.S. effort to forge a consensus among political party leaders on the amendment was almost universally welcomed by other members of the international community. The HighRep and Ambassadors from Turkey, Britain, Germany, Canada, and the EU thanked the U.S. at a special meeting of the Steering Board Ambassadors (SBA) on May 6. Only the Russians sounded a sour note. Reading from a prepared statement, the Russian representative criticized the HighRep's support for the amendment, accusing him of "listening to only one member of the SBA." The Russian also argued that the amendment was "inconsistent with Dayton"; "violated European election norms"; and, "constituted the first step towards special status" for Srebrenica. Ignoring Dodik's support for the amendment, the Russians argued that "there was no consensus in Banja Luka" in favor of it. Other SBA ambassadors responded by noting that passage of the amendment was entirely consistent with previous Russian calls for a "political and democratic solution" to the Srebrenica issue. (Comment: It is noteworthy - and somewhat disturbing - that the Russians chose to oppose the Serb Democratic Party and Serb Radical Party in opposing the amendment, rather than Dodik and his ruling party in supporting it. End Comment)

Working with the Central Election Commission

15. (C) On May 7, the Ambassador met with the Central Election Commission (CEC) to preview implementation efforts for the Srebrenica amendment to the BiH Election Law. The Ambassador stressed that, given the quickly approaching voter registration deadline, the CEC would need to act rapidly to educate voters about the option to register in Srebrenica. CEC members were appreciative of U.S. efforts and aware of

the need to engage in a robust public awareness campaign. However, CEC members were focused on displaced persons (DPs) and Diaspora voters, both categories which already enjoyed the right to vote in their pre-war residences. The CEC seemed not to appreciate that voters from Srebrenica who were subject to passive voter registration provisions would need to be key targets of the outreach campaign. The Ambassador welcomed a registration/get-out-the-vote campaign for DPs and the Diaspora, but emphasized that the Srebrenica voter would require special attention as well. The CEC promised to begin work immediately on an action plan, but noted that they faced resource challenges as a result of funding cuts in their 2008 budget. The Ambassador promised that the mission, and USAID in particular, would work closely with the CEC and relevant international community members to assist.

Municipal Statute Developments

16. (C) On May 6, OHR Special Envoy Cliff Bond was in Srebrenica and met with Mayor Malkic and Speaker Pavlovic to discuss their proposed amendments to the Srebrenica Municipal Statute. OHR had hoped that the Srebrenica Municipal Assembly might adopt the amendments before May 8, but over the weekend both Dodik and Tihic raised concerns about them. Dodik complained that Pavlovic failed to consult him on the proposed changes and expressed concern that they could produce deadlock within the municipality on critical issues. Tihic also complained that Malkic had failed to vet his proposals with the SDA leadership, but otherwise his specific concerns were unclear. (Note: Dodik and Tihic had previously committed to support any agreement Malkic and Pavlovic reached. Dodik's one red line was that the changes could not involve a change to RS law, and they do not. End Note) Malkic and Pavlovic told Special Envoy Bond that they remain committed to pursuing the amendment despite their party leaders' objections, and they asked him to help them secure their support. They told Bond that they have set July 11, the anniversary of the Srebrenica genocide, as the

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"unofficial deadline" for adopting the amendments. Finally, OHR has agreed to support a Malkic-Pavlovic initiative to set up a "youth dialogue center" in Srebrenica.

Comment

17. (C) In what is generally a divisive political atmosphere, it was welcome change that we were able to forge political support for passage of the Srebrenica amendment prior to May 8, thus avoiding a confrontation with Dodik and the Serbs. Although the amendment does not guarantee a specific election result in October, it does level the playing field for Bosniaks whose demographic profile in Srebrenica reflects the genocide and ethnic cleansing that occurred there. We must now ensure that the CEC vigorously implements the amendment and must also prod Bosniak political leaders to capitalize on this hard-fought opportunity. We will encourage SDA and SBiH to run a single mayoral candidate in Srebrenica in order to avoid splitting the Bosniak vote and to rally the Bosniak vote in Bosnia and outside it. The bottom line: the outcome in Srebrenica is now in their hands. We anticipate that SDS and the SRS will continue to criticize the amendment and to attack Dodik for agreeing to it. We also expect others to raise more thoughtful concerns about why this right was not extended to municipalities such as Bratunac, which lost almost 2,000 people in the July 1995 genocide, as well as to municipalities where Serbs and Croats were the victims of ethnic cleansing. A countrywide solution would have addressed these concerns, but that option unfortunately could not generate the necessary political support. In today's parliamentary session, one delegate argued that the amendment was an insufficient response to the effects of genocide in Srebrenica and ethnic cleansing throughout Bosnia, but that not passing it, or not having tried to mitigate the results

at all would have been much worse. We agree.
ENGLISH